

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MANUEL H. LOPEZ, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY
SITUATED,**

RESPONDENT

vs.

**H & R BLOCK, INC., ET AL.,
APPELLANTS**

DOCKET NUMBER WD76724

DATE: MAY 6, 2014

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Ann Mesle, Judge

Appellate Judges:

Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

Attorneys:

Todd McGuire, for Respondent

Brian J. Murry, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MANUEL H. LOPEZ, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY
SITUATED, RESPONDENT**

v.

H & R BLOCK, APPELLANTS

WD76724

Jackson County, Missouri

Before Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

H&R Block, Inc., HRB Tax Group, Inc., and HRB Technology LLC (collectively “H&R Block”) appeals from an order of the trial court denying its motion to compel arbitration. The court found that an arbitration agreement contained in its Client Service Agreement is unconscionable and unenforceable. H&R Block contends that the order is contrary to controlling precedent from the Missouri Supreme Court and the United States Supreme Court. The order is reversed, and the case is remanded with directions.

REVERSED AND REMANDED.

Division Two holds:

The trial court erred in finding that the arbitration agreement in the Client Service Agreement was unconscionable and unenforceable based only on public policy concerns regarding class waivers. The plaintiff presented other evidence challenging the enforceability of the arbitration agreement based on ordinary state contract law principles. The trial court, however, failed to make findings on this other evidence; therefore, factual issues remain for the trial court to assess on remand.

Opinion by: Victor C. Howard, Judge

Date: May 6, 2014

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